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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :  
Mitsuaki OSHIMA et al. : **Confirmation No. 7668**  
Serial No. 10/635,468 : **Attn: OFFICE OF PETITIONS**  
Filed August 7, 2003 : **Attorney Docket No. 2003\_1117**  
COMMUNICATION SYSTEM :

**PATENT OFFICE FEE TRANSMITTAL FORM**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEES FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975

Sir:

Attached hereto is a check in the amount of \$130.00 to cover Patent Office fees relating to filing the following attached papers:

Petition for Establishment of Filing Date and Acknowledgment  
of Receipt of Necessary Papers for Reissue Application ..... \$130.00

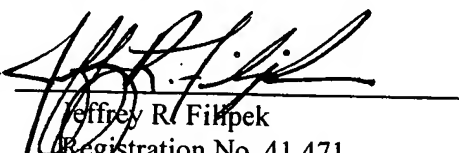
A duplicate copy of this paper is being submitted for use in the Accounting Division, Office of Finance.

*The Commissioner is authorized to charge any deficiency or to credit any overpayment associated with this communication to Deposit Account No. 23-0975, with the EXCEPTION of deficiencies in fees for multiple dependent claims in new applications.*

Respectfully submitted,

Mitsuaki OSHIMA et al.

By

  
Jeffrey R. Filipek  
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November 25, 2003

[Check No. 58905]

2003\_1117



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Re application of

Mitsuaki OSHIMA et al.

Serial No. 10/635,468

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**Confirmation No. 7668**

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**PETITION FOR ESTABLISHMENT OF FILING DATE AND ACKNOWLEDGMENT  
OF RECEIPT OF NECESSARY PAPERS FOR REISSUE APPLICATION**

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FEES FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975

Sir:

On August 7, 2003, a reissue continuation application was filed with the U.S. Patent and Trademark Office (PTO). On October 10, 2003, the PTO issued a Notice of Incomplete Reissue Application asserting that several necessary papers were omitted from the filing. This assertion by the PTO is hereby traversed for the following reasons.

First, please find enclosed herewith a postcard receipt date-stamped by the PTO as prima facie evidence that the items listed on the postcard receipt were in fact received by the PTO on August 7, 2003. Among the items listed on the postcard receipt are:

1. Abstract, Specification, and Claims (43 Pages);
2. Drawings Figs. 1-179 (178 Pages);
3. Consent of Assignee and 37 C.F.R. 3.73(b) Statement;
4. Preliminary Amendment and Substitute Specification and Abstract.

Notwithstanding the filing of the above listed items, and the acknowledgment of receipt of the items by the PTO as evidenced by the date-stamped postcard receipt, the Notice of Incomplete Reissue Application asserts that the specification does not include at least one claim; the application was deposited without drawings; the Consent of Assignee is missing; the Assignee's Statement under 37 C.F.R. 3.73(b) is missing. However, these assertions by the PTO are incorrect. As indicated on

the postcard receipt, an abstract, specification, and claims were filed and received by the PTO. As indicated on the postcard receipt, 179 figures of drawings were filed and received by the PTO. As indicated on the postcard receipt, a Consent of Assignee and 37 C.F.R. 3.73(b) Statement was filed and received by the PTO.

Moreover, the Notice of Incomplete Reissue Application asserts that the reissue specification was not provided in the form of a copy of the printed patent, with each page in double-column format. It is believed that the PTO has confused the substitute specification and abstract with the “abstract, specification, and claims (43 pages), and Drawings Figs. 1-179 (178 pages)” that were filed, listed on the postcard receipt, and receipt acknowledged by the PTO. Thus, it appears that the PTO personnel confused the substitute specification and abstract, which was not in double-column format and did not include claims or drawings, with the copy of Patent No. 5,600,672, presented in the proper double column format along with the claims and drawings. However, the reissue application was filed with a copy of U.S. Patent No. 5,600, 672, along with a Preliminary Amendment that requests entry of a substitute specification and abstract including the amendments to the specification.

In view of the above, it is clear that each and every item indicated on the Notice of Incomplete Reissue Application was in fact properly filed and that each and every assertion on the Notice of Incomplete Reissue Application is incorrect. Therefore, it is requested that the proper filing date of August 7, 2003 be established and acknowledged by the PTO. Further, it is requested that the petition fee of \$130.00 included herewith be refunded.

A new complete copy of all of the application papers filed August 7, 2003 is enclosed herewith as a courtesy in order to expedite the resolution of the erroneous assertions in the Notice of Incomplete Reissue Application and the processing of the reissue application.

Respectfully submitted,

Mitsuaki OSHIMA et al.

By: 

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November 25, 2003